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| 10/767,878 | 01/28/2004 | Naoki Asada | 60717 (70904) | 4109 |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 April 2009*.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-6 and 8-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.      Claims 1-6 and 8-22 remain for examination.  The correspondence filed 4/17/09

amended claims 1, 17, and 18.

### *Continued Examination Under 37 CFR 1.114*

2.      A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection.  Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114.  Applicant's submission filed on 4/17/09

has been entered.

### *Response to Arguments*

3.      Applicant's arguments with respect to claims 1-22 have been considered but are

moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

4.      The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5.      Claims 1-6, 8-14, and 17-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dimitroff (U.S. Patent 6,212,606) in view of "Windows 2000 Quick

Fixes" (hereinafter, "Boyce").

Regarding claims 1, 17, and 18:

Dimitroff discloses an electronic device network system and corresponding data receiver search method and system comprising: an electronic device for transmitting data via a network (any one of hosts 106 from Figure 1); a plurality of storing means for storing data transmitted from the electronic device (elements 112-132 of Figure 1); a plurality of external devices for acquiring data from the storing means and processing the acquired data (all other hosts on the network: Ibid); a setting section for setting a security level for the data to be transmitted, wherein the security level is set in the setting section responsive to an input from a user of the electronic device, where the set security level being selected by the user is selected from a plurality of identified security levels (col. 5, lines 30-45); a network connecting the electronic device, the plurality of storing means, and the plurality of external devices to one another (Figure 1); wherein the electronic device, at least one of the plurality of storing means, and at least one of the plurality of external devices each have a security function and another security level associated with the set security level, where at least one of the plurality of storing means has a security level that is different from another of the plurality of storing means, and at least one of the plurality of external devices has a security level that is different from another of the plurality of external devices (col. 5, lines 5-45, noting that hosts also conform to one or more security et al. levels which determine which storage/external devices may be usable by a given host); so as to identify one or more given storing means or one or more given external devices whose security level corresponds to the security level set in the setting section (Ibid, and col. 4, lines 1-15);

and the selected one of the given storage means or the given external device

responsive to said output from the selecting means (Ibid).

Although Dimitroff is clearly directed toward users being able to identify and

select and use appropriate storage/external devices relative to a desired security level,

it is unclear at best if this may be construed as possessing a "search means" to

implement the implied user-interface portion of that invention.  Nevertheless, the ability

to implement a graphical user interface to search for storage/external devices and

select one or more of said storage external devices has long since been known in the

art, as evidenced by Boyce (e.g. searching for computers and network shares on page

9; noting that multiple levels of security are posited at page 5, first paragraph).  The

claim is obvious because one of ordinary skill in the art would have had good reason to

put a user-friendly interface to search for external storage devices on a network.  If

implementing a GUI to search for a network share would lead to success, then the

invention is the result not of innovation but of ordinary skill and common sense.

Regarding claim 2:

Dimitroff further discloses wherein the plurality of storing means includes a first

storing means having a higher security level, and a second storing means having a

lower security level (col. 5, lines 30-45).

Regarding claim 3:

Dimitroff further discloses wherein the first storing means transmits data by

encrypting the data (a device in third security level or higher: Ibid), and the second

storing means transmits data without encrypting the data (a device in second security

level or lower: Ibid).


Regarding claim 4:

Although Windows 2000 as disclosed by Boyce did not include a firewall, there

were software-based firewalls that were well known in the art (see the attached

ZoneAlarm reference, particularly page 2, "The Internet"). Accordingly, Examiner takes

Official Notice that at least one of the hosts depicted as element 106 of Figure 1 could

plausbily have had an optional desktop-based firewall installed (cf. page 4 of the

previously enclosed "Firewalls FAQ"; cf. Burns, col. 13, lines 5 and 33)


Regarding claim 5:

Dimitroff further discloses wherein the first storing means does not have access

to the Internet (elements 108 & 110 of Figure 1, which is only connected to the local

hosts) and the second storing means have access to the Internet (hosts 106, which

have access via network 102 of Figure 1).

Regarding claim 6:

Dimitroff further discloses wherein the electronic device, at least one of the

plurality of storing means, and at least one of the external devices each have a

communications function for encrypted data (col. 5, lines 30-45).

Regarding claims 8 and 19:

Boyce further discloses search means for searching for an external device

according to locations or function of the external devices (all of page 9).

Regarding claims 9, 10, and 20:

Boyce further discloses wherein the search means searches for a transmission

route of the transmitted data from the electronic device to the storing means or external

device (page 10, "8.7.2 Check protocol settings").

Regarding claim 11:

Dimitroff and Boyce further disclose wherein the external devices each include a

search section for searching for a storing means whose security level matches a

security level of an external device making the search (Dimitroff: col. 5, lines 5-45;

Boyce, page 9, "8.7.1 Use Search for Computers").

Regarding claim 12:

Boyce further discloses wherein the electronic device includes a displaying means for displaying a result of search made by a search means according to search conditions (Ibid, particularly line item #3 on pages 9-10).

Regarding claim 13:

Boyce further disclose wherein the respective security functions of the electronic device, at least one of the plurality of storing means, and at least one of the plurality of external devices are rendered depending on whether the electronic device, the storing means, and the external devices belong to which of a plurality of networks that are connected to one another via access control means (section 8.1 on pages 5-8).

Regarding claim 14:

It is taken as Applicant admitted prior art that the computers used in the Boyce system would have a monitor or other visual display means, which would make them an "image forming device" under the broadest possible definition in the art.  Additionally, Boyce discloses wherein printers may be searched for in the same manner as storage devices (page 5, first paragraph).

Regarding claim 21:

Dimitroff and Boyce further discloses prohibiting the transmission of data from the electronic device or from the storing means when the respective associated security

levels of the electronic device, the storing means, and the external devices do not

match the security level as established by the user (Dimitroff: col. 5, lines 5-45; Boyce:

pages 5-8) and allowing transmission of data when the electronic device, the storing

means, and the external devices do match the security level as established by the user

(Ibid).

Regarding claim 22:

Dimitroff and Boyce further discloses wherein when stored data in a storing

means needs to be outputted from an external device but an external device and a

storing means have different associated security levels so that the data is prevented

from being transmitted from the storing means to the external device, repeating said

step of searching to identify another given external device whose security level matches

the security level of the storing means storing the necessary data (Dimitroff: col. 5, lines

5-45; Boyce: pages 5-8).

6.      Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dimitroff in view of Boyce as applied to claims 1 and 14 above, and further in view

of Tomat (U.S. Patent 6,459,499).

Regarding claims 15 and 16:

Dimitroff and Boyce disclose or suggest all the limitations of claims 1 and 14

above.  Neither Dimitroff nor Boyce disclose that the electronic device is a scanner;

however, Tomat discloses that scanners were capable of transmitting data via a

network (col. 2, lines 33-45). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to use a scanner as the electronic device to

transmit data via a network to the distributed storage of Dimitroff (in view of Boyce).

The motivation for doing so would be to make it easy for a user to send scanned images

to remote systems with a minimum of user intervention (Tomat, col. 2, lines 5-25).


## *Conclusion*

7.      The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure: U.S. Patents 6,799,259 to Reed and 6,052,781 to Weber.

8.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas Gyorfi whose telephone number is (571)272-

3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TAG
6/29/09
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